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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

J.N

FILED

DEC 28 2007

Dec 28 2007

MICHAEL W. DORRIBINS  
CLERK, U.S. DISTRICT COURT

07CV7276

JUDGE KENDALL  
MAG. JUDGE SCHENKIER

JURY DEMAND

**COMPLAINT**

PETER BRASLAVSKIY, Plaintiff,

vs.

ELMHURST LINCOLN MERCURY, INC. Defendant.

NOW COMES the Plaintiff, PETER BRASLAVSKIY, by and through his attorneys, LAW OFFICES OF DAVID FREYDIN, LTD. against the Defendant, ELMHURST LINCOLN MERCURY, INC. and alleging as follows:

**Parties**

1. The Plaintiff, PETER BRASLAVSKIY, ("Plaintiff") was at all times relevant hereto residing in the State of Illinois.
2. The Defendant, ELMHURST LINCOLN MERCURY, INC. ("Seller") is a business corporation engaged in the sale of motor vehicles and related services and accessories. Seller is authorized to and conducts business in the State of Illinois

**Jurisdiction and Venue**

3. Jurisdiction arises under the Odometer Requirement Act, 15 U.S.C. §1989 (b) which gives this court subject matter jurisdiction.

4. Venue is proper in this district because the act and transactions that give rise to this claim occurred in this district.

**Facts**

5. On or about September 14, 2007, Plaintiff purchased from Seller a 2001 Mercedes Benz S 430 ("Mercedes") for valuable consideration (See copy of purchase documents, attached hereto as Exhibit "A").
6. Prior to and at the time of Plaintiff's purchase, Seller, action through its duly authorized agents and salespersons, made numerous representations to Plaintiff regarding the Mercedes, including that the Mercedes had been driven eighty four thousand eight hundred and six (84,806) miles (See Odometer Disclosure Statement, attached hereto as Exhibit "B").
7. In making the aforementioned representation, Seller misrepresented, suppressed, omitted and/or concealed the following material facts from Plaintiff, with the intent Plaintiff rely on said misrepresentations, suppressions, omission and/or concealments that the Mercedes had not been driven eighty four thousand eight hundred and six (84,806) miles (See a copy of the Autocheck vehicle history report evidencing mileage discrepancy, attached hereto as Exhibit "C"; See copy of the Inspection Appraisal report evidencing that the vehicle was driven in excess of one hundred thousand (100,000) miles. See Certificate of Title of a Vehicle evidencing actual mileage to be one hundred twenty six thousand two hundred and sixty (126,260) miles on May 13, 2005 attached hereto as Exhibit "E")

8. Seller failed to inform Plaintiff that the eighty four thousand eight hundred and six (84,806) miles miles as represented by Defendant was not the actual mileage as required on the Odometer Disclosure Statement (See Exhibit "B").
9. Had Plaintiff known Seller's misrepresentations as state above were untrue, or had Plaintiff known the true condition of the Mercedes, Plaintiff would not have purchased the Mercedes.
10. Plaintiff exercised all due diligence and reasonably relied on Seller's representations.
11. Seller had either actual knowledge or reasonably should have known the falsity of its representations, or acted in reckless disregard for the truth or falsity of its representations.
12. Seller intended to induce Plaintiff's reliance on Seller's pre-sale representations.
13. Plaintiff suffered actual damages in reliance on Seller's misrepresentations, including:
  - a. purchase of an automobile which failed to conform to the basis of the bargain as the vehicle was worth less than as represented due to the misrepresentation of the vehicle's actual mileage;
  - b. loss of all monies expended towards the purchase of the Mercedes; and
  - c. severe aggravation and inconvenience.
14. Plaintiff's actions of purchase an automobile from Seller are akin to all consumers' actions and thus concern all consumers.
15. Seller's misrepresentations of and/or failure to disclose the true condition of the Mercedes involve consumer protection concerns, as Seller holds itself out to be a place of business where consumers can come to purchase automobiles and related services.

16. The requested relief is in the best interest of all consumers, as if the requested relief is granted, Seller will be discouraged from engaging in conduct similar to that alleged fraudulent in this Complaint.
17. Seller's actions were done maliciously and in willful, wanton and reckless disregard for the rights of Plaintiff, thereby warranting substantial punitive damages.

**COUNT I**

**VIOLATION OF FEDERAL ODOMETER REQUIREMENTS ACT AGAINST SELLER**

18. Plaintiff re-alleges paragraphs 1-17 of this Complaint.
19. Seller's actions, as stated above, constitute a violation of the Federal Odometer Requirements Act, 49 U.S.C. 32701 et. seq.,  
WHEREFORE, Plaintiff requests that the Court:
  - a. Enter judgment against Seller for actual (\$25,000), statutory, treble (\$75,000), and other damages to which Plaintiff is entitled
  - b. Award attorney fees, litigation expenses and costs; and
  - c. Grant other relief deemed just and appropriate.

**COUNT II**

**VIOLATION OF THE ILLINOIS CONSUMER FRAUD  
AND DECEPTIVE BUSINESS PRACTICES ACT**

20. Plaintiff re-alleges paragraphs 1-17.
21. Plaintiff's actions of purchasing an automobile from Defendant are akin to all consumers' actions and thus concern all consumers.
22. Defendant's misrepresentation of and/or failure to disclose the true mileage of the Plaintiff's Mercedes, involve consumer protection concerns, as Defendant holds itself out to be a place of business where consumers can come to purchase automobiles.

23. The requested relief is in the best interest of all consumers, as if the requested relief is granted, Defendant will be discouraged from engaging in conduct similar to that alleged fraudulent in this Complaint

24. Defendant's actions as stated above constitute violations of the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/2.

**WHEREFORE**, Plaintiff requests that the court:

- a. Enter judgment against Defendant for all actual (\$25,000), punitive and other damages to which Plaintiff is entitled;
- b. Enter an order rescinding the transaction;
- c. Award attorneys fees, litigation expenses and costs; and
- d. Grant other relief deemed just and appropriate.

**COUNT III**  
**Negligent Misrepresentation (Fraud)**

25. Plaintiff realleges paragraphs 1-17.

26. Defendant's actions, including misrepresentation, omission and concealment of material fact, surrounding the sale and repair of said house constitute "consumer fraud" within the meaning of Illinois Consumer Fraud and Deceptive Business Practices Act.

27. Defendant is under a duty of care to Plaintiff to whom he made a representation to. Defendant knew that Plaintiff would rely on the misrepresentation. By misrepresenting the mileage of Plaintiff's Mercedes Benz Defendant breached his duty as seen in the above paragraphs.

28. Reliance by Plaintiff on the representations of fact made by Defendant was justifiable.

29. As a result of Defendant's unlawful conduct, Plaintiff has and will continue to suffer damages and/or loss proximately caused by the Defendant's conduct.

**WHEREFORE**, Plaintiff requests that the court:

- a. Enter judgment against Defendant for all actual (\$25,000), punitive and other damages to which Plaintiff is entitled;
- b. Enter an order rescinding the transaction;
- c. Award attorneys fees, litigation expenses and costs; and
- d. Grant other relief deemed just and appropriate.

**COUNT IV**  
**COMMON LAW FRAUD (FRAUDULENT INDUCEMENT).**

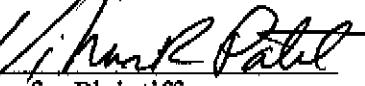
30. Plaintiff realleges paragraphs 1-17.
31. As alleged above Defendant misrepresented the mileage of Plaintiff's Mercedes.
32. The Defendant knew, should have known, or could not have reasonably believed that his statements about the mileage of Plaintiff's Mercedes was true.
33. Plaintiff was unaware of the true mileage of the Mercedes he purchased and reasonably relied upon Defendant's statements about mileage in entering into the purchase agreement.
34. Plaintiff has been damaged by Defendant's misstatements about the mileage of this vehicle.

**WHEREFORE**, Plaintiff requests that the court:

- a. Enter judgment against Defendant for all actual (\$25,000), punitive and other damages to which Plaintiff is entitled;
- b. Enter an order rescinding the transaction;
- c. Award attorneys fees, litigation expenses and costs; and
- d. Grant other relief deemed just and appropriate.

Respectfully submitted,

Peter Braslavskiy, Plaintiff

BY   
Attorney for Plaintiff

Vihar Patel, Esq.  
Partner  
Law Offices of David Freydin, Ltd.  
4433 West Touhy  
Suite 405  
Lincolnwood, IL 60712  
6276274  
Office: 847-972-6157  
Fax: 866-575-3765

## **EXHIBIT “A”**

FROM :

TO : *Elmhurst Lincoln Mercury*

<b>Elmhurst Lincoln Mercury</b> Since 1912			<b>RETAIL ORDER FOR A MOTOR VEHICLE</b>	
			<b>SEPTEMBER 14, 2007</b>	
			DATE	
<b>BRATSLAVSKY, PETER</b>			PURCHASER'S NAME	
628 CONGDON AVE			STREET ADDRESS	
ELGIN			STATE	ZIP
(847) 289-0855			(847) 289-0855	PHONE
SALESPERSON'S NAME			CHRISTIAN MANZO	
DRIVER LIC. NO.				
SOC. SEC. NO.				
<b>CASH PRICE OF VEHICLE</b>			<b>19,400.00</b>	
THIS USED MOTOR VEHICLE IS SOLD AS IS, WITHOUT ANY WARRANTY, WHETHER EXPRESSED OR IMPLIED. THE PURCHASER WAIVES THE RIGHT TO EXPENSES OF REPAIRING OR CORRECTING ANY DEFECTS THAT PRESENTLY EXIST OR THAT MAY OCCUR IN THE FUTURE.			<i>[Handwritten Note]</i>	
<b>YEAR</b> 2001 <b>MAKE</b> MERCEDES				
MODEL OR SERIES S 430			BODY TYPE 4DR SDN	
COLOR Silver			TRIM	
M.V.I. OR SERIAL NO. WDBNG70J81A177005				
TO BE DELIVERED ON OR ABOUT 09/14/2007 ODOMETER 84806				
<b>USED VEHICLE TRADE-IN AND/OR OTHER CREDIT</b>				
<b>PAY OFF DIFFERENCE OF STATEMENT</b>				
IT IS UNDERSTOOD ANY DIFFERENTIAL IN AMOUNT DUE ON CAR TRADED IN WILL BE PAID BY PURCHASER IMMEDIATELY. ALL IDENTIFYING NUMBERS ON SAID VEHICLE AGREE WITH THOSE ON THE CERTIFICATE OF TITLE OR THE STATEMENT OF ORIGIN.				
<b>YEAR</b>	<b>MAKE</b>	<b>STOCK NO.</b>		
MODEL OR SERIES	BODY TYPE			
COLOR				
M.V.I. OR SERIAL NO.				
<b>ODOMETER READING</b>				
<b>PLATE NO.</b>		<b>EXP. DATE</b>		
USED TRADE-IN ALLOWANCE		\$	N/A	
BALANCE OWED ON TRADE-IN		\$	N/A	
FACTORY REBATE(S)		N/A		
FACTORY REBATE(S)		\$	N/A	
DEPOSIT	CASH <input type="checkbox"/> CHECK <input type="checkbox"/> CARD <input type="checkbox"/>	CREDIT N/A		
CASH DUE ON DELIVERY		20,878.48		
<b>TOTAL CREDIT (TRANSFER TO RIGHT COLUMN)</b>		<b>20,878.48</b>		
<b>CONTRACTUAL DISCLOSURE STATEMENT FOR USED VEHICLES ONLY.</b>				
The information you see on the window form (Buyer's Guide) for this vehicle is part of this contract. Information on the window form overrides any contrary provisions in the contract of sale.				
ACCT. NO. _____				
Federal regulations require the odometer mileage to be stated upon transfer of ownership. An inaccurate statement may make the transferor liable for damages to the transferee, pursuant to section 408(a) of the Motor Vehicle Information and Cost Savings Act of 1972, Public Law 98-518.				
PURCHASER'S SIGNATURE <i>P. Bratlavsky</i>				
ACCEPTED BY _____				
PLR _____ (NAME AND TITLE)				

FROM :



Illinois Department of Revenue

# ST-556 Sales Tax Transaction Return

(For Vehicles, Watercraft, Aircraft, Trailers,  
and Mobile Homes)

Tax return no.: 43439660-4  
IBT no.: 0009-9147  
Taxable location no.: 022-0009-0 001  
Taxable location name: ELMHURST  
Dealer's license no.: DL 1 912  
Rev. 04  
Form: 016

Do not write above this line.

NS	CA	ED	RC	TL
----	----	----	----	----

ELMHURST LINCOLN MERCURY, INC  
150 N GRAND AVE  
ELMHURST IL 60126-1135  
(630) 633-3300

## 1 Write the buyer's name and address

Name(s) BRATSLAVSKY, PETER

Street 628 CONGDON AVE

City ELGIN

State IL ZIP 60120

## 2 Describe the item sold

A Vehicle  B Watercraft  C Aircraft  
 D Trailer  E Mobile Home  F

New  Used

Identification no. WDBNG70J81A177005

Year 2001 Make MERCEDES

Body style and model 4DR SDN S430

## 3 Write the date of delivery 0 9 1 4 2 0 0 7

(This return is due no later than 20 days after the date of delivery.)

## 4 Describe the trade-in, if any

Item traded in \_\_\_\_\_

Identification no. \_\_\_\_\_

Year \_\_\_\_\_ Make \_\_\_\_\_

Body style and model \_\_\_\_\_

## 5 Exempt or sale to a nonresident

If so, check the correct box below, and see Instructions for Section 6.

A Nonresident buyer (NOT an out-of-state dealer) (see instructions)  
drive-away permit no./la. plate no. \_\_\_\_\_ state \_\_\_\_\_

B Sold for resale to a DEALER  
(Write either the Illinois dealer's IBT no. or "Out-of-state dealer")

C Exempt organization (government, school, religious, or charitable)  
tax-exempt no. E-\_\_\_\_\_

D Sold to an Interstate carrier for hire for use as rolling stock  
Certificate of authority no. \_\_\_\_\_

E Sold for rental use  
buyer's IBT no. \_\_\_\_\_

F Other (describe) \_\_\_\_\_

Under penalties of perjury, we state that we have examined this return,  
including any schedules and statements, and to the best of our knowledge,  
it is true, correct, and complete. If the seller has taken a qualified trade-in as of 2007,  
also state that the buyer has properly assigned and surrendered the title of  
the trade-in to the seller.

Signature of buyer(s) \_\_\_\_\_ Date 09/14/2007

Signature of seller \_\_\_\_\_ Date \_\_\_\_\_

This form is authorized by statute by the Illinois Tax Laws and the Illinois Vehicle Code. Disclosure  
of this information is REQUIRED. Failure to provide information could result in penalties. This form  
has been approved by the Forms Management Center. IL-482-1006

## 6 Write the price, and figure the tax (Round to nearest dollar)

You must complete Lines 1 and 2 even if no tax is due.

1 Total price (include accessories, federal excise taxes,  
freight and labor, dealer preparation, documentary fees,  
and dealer-reimbursed rebates or incentives) ..... 19458.00

2 Total trade-in credit or value ..... N/A

3 Amount subject to tax [Line 1 - Line 2] ..... 19453.00

4 Tax [Line 3 X + 0.075\*] (If you made this sale  
from a temporary sales location, see the instructions.) 1315.00

\*Line 3 x + 0.075 if Chicago buyer

5 Use tax for certain districts - (see Instructions)

Do not report home rule use tax below.

a. County \_\_\_\_\_  
b. City \_\_\_\_\_  
c. Township \_\_\_\_\_ N/A

6 Total tax [Line 4 + Line 6] ..... 1315.00

7 Retailer's allowance if filed on time  
[Line 6 X + 0.175] ..... 23.00

8 Net tax due [Line 6 - Line 7] ..... N/A

9 Prior overpayment (see Instructions) ..... N/A

10 Credit for previously paid tax (see Instructions) \_\_\_\_\_

On the line below, write the tax return number  
of the Form ST-556 on which you previously  
paid tax to an Illinois dealer.

Tax return no. \_\_\_\_\_ N/A

11 Excess tax collected \_\_\_\_\_

12 Total tax due ..... 1292.00

[Line 8 - Line 9 - Line 10 + Line 11] ..... N/A

13 Credit memorandum (see Instructions) ..... 1292.00

14 Amount due [Line 12 - Line 13] ..... \_\_\_\_\_

Dealer's check no. \_\_\_\_\_

Do not write below this line.

Date received by Illinois state government Copy 3 - Purchaser's

## **EXHIBIT “B”**

P01  
1994 02:15AM  
Jun. 25 1994

PHONE NO. : +708+29E 0278

FROM :

**ODOMETER DISCLOSURE STATEMENT**

FEDERAL LAW (AND STATE LAW, IF APPLICABLE) REQUIRES THAT YOU STATE THE MILEAGE UPON TRANSFER OF OWNERSHIP. FAILURE TO COMPLETE OR PROVIDING A FALSE STATEMENT MAY RESULT IN A FINE OR IMPRISONMENT.

ELMHURST LINCOLN-MERCURY INC. STATE THAT  
(TRANSFEROR'S NAME - SELLER - PRINT)

THE ODOMETER NOW READS 84806 MILES AND TO THE  
(ODOMETER READING AND UNIT)  
BEST OF MY KNOWLEDGE THAT IT REFLECTS THE ACTUAL MILEAGE OF THE VEHICLE DESCRIBED  
BELOW, UNLESS ONE OF THE FOLLOWING STATEMENTS IS CHECKED.

(1) I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE THE ODOMETER READING  
REFLECTS THE AMOUNT OF MILEAGE IN EXCESS OF ITS MECHANICAL LIMITS.

(2) I HEREBY CERTIFY THAT THE ODOMETER READING IS NOT THE ACTUAL MILEAGE.  
WARNING - ODOMETER DISCREPANCY

MAKE	MODEL	BODY TYPE
MERCEDES	S430	4DR SDN
VEHICLE IDENTIFICATION NO.	YEAR	DEALER STOCK NO.
WDBNG70J81A177006	2001	P5272

TRANSFEROR'S SIGNATURE (SELLER)	(PRINTED NAME)	
	ELMHURST LINCOLN-MERCURY	
TRANSFEROR'S STREET ADDRESS (SELLER)		
150 W GRAND AVE (CITY)	(STATE)	(ZIP CODE)
ELMHURST	IL	60126
DATE OF STATEMENT		
06/14/2007		

TRANSFeree'S SIGNATURE (BUYER)	(PRINTED NAME)	
	BRATSLAVSKY, PETER	
TRANSFeree'S SIGNATURE (CO-BUYER)	(PRINTED NAME)	
TRANSFeree'S NAME (BUYER)		
BRATSLAVSKY, PETER		
TRANSFeree'S STREET ADDRESS (BUYER)		
628 CONGDON AVE (CITY)	(STATE)	(ZIP CODE)
ELGIN	IL	60120

## **EXHIBIT “C”**

Welcome to AutoCheck

Page 1 of 4

[Home](#) | [Account Options](#) | [About Us](#) | [FAQ](#) | [Help](#)

To get a report for one vehicle, enter VIN below, then select a report type button.

 English  Spanish**Print options: Report will print:**

With section details shown  
 With auction details hidden

## Your AutoCheck Vehicle History Report

### Summary

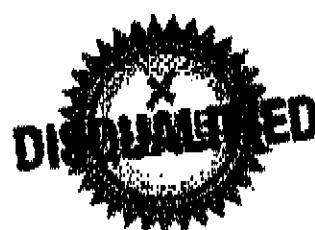
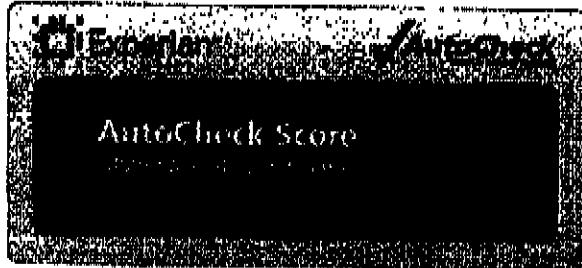
**Report Run Date: 10/08/2007**

The vehicle identification number you submitted has been analyzed and summary information on your car is shown below.

VIN:	WDBNG70J81A177005	Class:	Upscale - Luxury
Year:	2001	Engine:	4.3L V8 EFI
Make:	Mercedes-Benz	Country of Assembly:	Germany
Model:	S Class S430	Vehicle Age:	6 year(s)
Style/Body:	Sedan 4D	Calculated Owners:	2

This vehicle's AutoCheck Score

This vehicle is not AutoCheck Assured™ and does not qualify for Buyback Protection



[What does this mean?](#)

### Section summaries

## Welcome to AutoCheck

Page 2 of 4

<b>Title and ProblemCheck:</b>	 Your vehicle checks out!
<b>OdometerCheck:</b>	 Odometer discrepancy(es) reported
<b>Vehicle Use and EventCheck:</b>	 Specific vehicle use(s) or events reported
<b>Full History:</b>	 Detailed information available

View Details



**Your Vehicle Checks Out!** AutoCheck's database for this 2001 Mercedes-Benz S Class S430 (WDBNG70J81A177005) shows no negative titles or other problems. When reported to AutoCheck, these events can indicate serious past damage or other significant problems.


View Details

**0 Problem(s) Reported: 15 Title/Problem areas checked:**

View Details



**Problem Reported!** AutoCheck examined the reported odometer readings reported to AutoCheck for this 2001 Mercedes-Benz S Class S430 (WDBNG70J81A177005) and an indication of an odometer rollback or tampering was found. AutoCheck uses business rules to determine if reported odometer readings are significantly less than previously reported values. Not all reported odometer readings are used. Title and auction events also report odometer tampering or breakage.


View Details

**1 Problem(s) Reported: Mileage Date Reported**

 10 07/03/2001
 126,260 05/13/2005
 60,700 06/30/2005 not Included in rollback calculation
 67,058 11/10/2005 Possible Odometer Rollback/Rollover
 84,806 05/02/2007
 84,806 05/03/2007

View Details



**Information Reported!** AutoCheck shows additional information reported to AutoCheck about how this 2001 Mercedes-Benz S Class S430 (WDBNG70J81A177005) has been used and other events. This includes reported accidents and corrected or duplicate titles and storm area registrations.


View Details

**1 Event(s) Reported: 10 Vehicle uses checked:**

 No rental record
 No fleet record
 No fleet and/or rental record
 No fleet and/or lease record

<https://www.autocHECK.com/members/singleVinSearch.do>

10/8/2007

## Welcome to AutoCheck

Page 3 of 4

- Lease record(s)
- No taxi use record
- No police use record
- No government use record
- No livery use record
- No driver education record

**2 Event(s) Reported: 9 Vehicle events checked:**

- No accident record reported through state agencies or independent sources
- Corrected title record(s)
- No duplicate title record
- Emission/safety inspection record(s)
- No loan/lien record
- No fire damage incident record
- No repossessed record
- No theft record
- No storm/other registration/title record

**Full History**

Below are the historical events for this vehicle listed in chronological order. Any discrepancies will be in bold text.

**Report Run Date: 10/08/2007****Vehicle: 2001 Mercedes-Benz S Class S430 (WDBNG70J8JA177005)**

Event date	Location	Odometer reading	Data Source	Details
06/27/2001	HINSDALE, IL		Motor Vehicle Dept.	REGISTRATION EVENT/RENEWAL (Leased Vehicle)
07/03/2001	HINSDALE, IL	10	Motor Vehicle Dept.	TITLE (Title #:T1184109042) (Leased Vehicle)(Lien Reported)
08/02/2001	HINSDALE, IL		Motor Vehicle Dept.	REGISTRATION EVENT/RENEWAL (Leased Vehicle)
02/22/2002	WILLOWBROOK, IL		Motor Vehicle Dept.	REGISTRATION EVENT/RENEWAL (Leased Vehicle)
04/04/2003	WILLOWBROOK, IL		Motor Vehicle Dept.	REGISTRATION EVENT/RENEWAL (Leased Vehicle)
03/30/2004	WILLOWBROOK, IL		Motor Vehicle Dept.	REGISTRATION EVENT/RENEWAL (Leased Vehicle)
05/13/2005	WILLOWBROOK, IL	126,260	Motor Vehicle Dept.	TITLE (Title #:X5133504013) REGISTRATION EVENT/RENEWAL
06/09/2005	WOOD DALE, IL		Motor Vehicle Dept.	REGISTRATION EVENT/RENEWAL
06/30/2005	WOOD DALE, IL	60,700	Motor Vehicle Dept.	TITLE (Title #:X5181850002) NOT ACTUAL MILES, REMOVED ON LATER TITLE
10/04/2005	SKOKIE, IL		Independent	PASSED EMISSION INSPECTION

Welcome to AutoCheck

Page 4 of 4

		Emission Source	
11/10/2005	CHICAGO, IL	67,068	Motor Vehicle Dept.
05/03/2006	WOOD DALE, IL		Motor Vehicle Dept.
04/26/2007	WOOD DALE, IL		Motor Vehicle Dept.
05/02/2007	IL	84,806	Auto Auction
05/03/2007	IL	84,806	Auto Auction

### This Vehicle's Glossary

Below are the specific definitions for events that appear in this vehicle's report.  
More information is available in the full AutoCheck glossary.

Term	Section Location	Definition
Emission/Safety Inspection	Vehicle Use and EventCheck	An approved emission testing station has inspected the vehicle to measure the amount of pollutants the vehicle emits into the environment.
Corrected Title	Vehicle Use and EventCheck	The State DMV has issued a corrected title for the vehicle.
Lease	Vehicle Use and EventCheck	Vehicle was registered as lease vehicle.

#### AutoCheck Terms and Conditions

This report, and any reliance upon it, is subject to [AutoCheck Terms and Conditions](#). If you obtained the report from a dealer, the dealer has been provided with these Terms & Conditions and can share them with you. These AutoCheck Terms and Conditions are also available at any time at [www.autocheck.com/terms](http://www.autocheck.com/terms) or by writing to Experian: Experian Automotive C/O AutoCheck Customer Service 955 American Lane Schaumburg IL 60179

#### Buyback Protection Terms and Conditions

This vehicle (WDBNG7081A177005) does not qualify for AutoCheck Buyback Protection.

#### About AutoCheck

AutoCheck vehicle history reports by Experian Automotive is the leading vehicle history reporting service. With expert data handling, the Experian Automotive database houses over 4 billion records on a half a billion vehicles. Every AutoCheck vehicle history report will give you confidence when buying or selling your next used vehicle, with superior customer service every step of the way.

[AutoCheck Terms and Conditions](#) | [AutoCheck Buyback Protection Terms and Conditions](#)

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## **EXHIBIT “D”**

**P.J.G.**  
**Consulting and Appraisal**  
**AMERICAN TECHNICAL INSPECTIONS**  
"Have camera will travel"  
**EXPERT TRANSPORTATION AND MARINE**  
**APPRAISAL CONSULTATION AND ADJUSTING**

Phillip J. Grismer B.B.A.  
Experience since 1970  
A.S.E. Master Automobile Technician  
II. State Board of Education Certified  
Automotive Instructor.  
Past President Chicago land VW Service  
Managers Organization.  
Certified Member International Automobile  
Appraisers Association Member #  
1003180004

60 B West Terra Cotta suite 109  
Crystal Lake, Illinois 60014  
E-mail  
amer tek1@gmail.com  
CAGA Certified  
Certified Personal Property Appraiser  
Certified Appraisers Guild of America

**INSPECTION APPRAISAL REPORT**  
**VEHICLE AND CONDITION DETAILS**

<i>File No.:</i> 101607-1	<i>Client Name:</i> Peter Blatslavsky
<i>Date of Inspection:</i> 10-16-2007	<i>Time of Inspection:</i> 4:10 p.m. to 5:00 p.m.
<i>Weather Conditions:</i> Overcast 64 F.	<i>Documents Reviewed:</i> supplied service history, Infotraxx, technical service bulletins, N.H.T.S.A. gov. Black Book USA, Kelly Blue Book and/or N.A.D.A. valuation guides, manual and/or web based.

**VEHICLE SPECIFICATIONS**

<i>Year of Vehicle:</i> 2001	<i>Make/Model:</i> Mercedes Benz S 430
<i>VIN:</i> WDRNG70J81A177005	<i>Mileage:</i> 87,004
<i>Engine Specifications:</i> 4.3 Liter V 6	<i>Other Specifications:</i> Power moon roof, Full power, automatic transmission, leather seating.
<i>Condition of Vehicle/Comparison Category based on sale price:</i> Good	<i>Fluid Levels:</i> All checkable fluids are full and in good condition.

Photographs were taken for confirmation purposes.  
American technical Inspections and/or Phil Grismer attest to having no financial interest in this vehicle beyond the inspection fee.

**Appraisal Report File # 101607-1 Page 2.**

**Complaint Issues : Vehicle unmerchantable at time of sale. Erroneous odometer recording.**

Page 1 of 3

## American Technical Inspections File # 101607-1

Inspection Report Prepared For : Peter Bratslavsky 628 Congdon Ave. Elgin, IL. 60120 :

The vehicle was inspected at the owner's residence. The vehicle was road tested on the surrounding streets and road ways. The vehicle was driven approximately 2 miles.

The vehicle is diminished in value from the comparison category due to the following historic and ongoing conditions.

The provenance and history supplied, consists of purchase documents, repair invoice, Carfax report and Auto check report.

**Provenance:** The vehicle was sold on 9-1-2007 at 84,806 miles. The vehicle was sold for \$19,400.00 placing it in the Good Vehicle category for valuation purposes. MSRP \$70,800.00 when new.

**Reviewed History:** The history begins at purchase with the certified odometer statement; showing that the vehicle has 84,806 miles on it. The Autocheck report shows that the vehicle is listed as DISQUALIFIED for an Autocheck assurance program due to possible odometer roll back per its history. The problem is listed as a possible odometer roll back due to the following history. At 10 miles on 7-30-2001 the vehicle was registered as sold. On 5-13-2005 the vehicle is listed as having 126,260 miles recorded. The history further shows that the vehicle was registered as having only 60,700 miles on 6-30-2005 and 67,068 miles on 11-10-2005. The vehicle was registered as sold again at 84,806 miles on 5-2-2007.

The Carfax report history shows that the vehicle was originally sold as a corporate lease vehicle indicating that the vehicle was possibly a rental vehicle creating a moral hazard to value. Carfax has fewer entries reported and does not show the 5-13-2005 entry showing 126,260 miles and therefore Carfax doe's not report the possible rollback.

### **Conclusion Opinion of reviewed history:**

The vehicle odometer history is very suspicious and since the odometer unit is a

Page 2 of 3

digital assembly there are no physical signs of tampering. These units are "adjusted" electronically by connecting a computer to the on board data link and realigning the odometer digits, without leaving any physical evidence of tampering. The fact that the history shows a trail of suspicious odometer recordings will follow the vehicle cradle to grave, creating a moral hazard to value.

The initial inspection began with visual inspections that revealed that the vehicle exhibits no evidence of vehicle owner caused abuse, misuse or neglect.

The engine was started and allowed to idle. The engine exhibits a loud intermittent internal lifter metallic clatter. The engine runs rough at idle. The brake and accelerator pedal pads and seat cover upholstery all show signs of wear typical and consistent with a vehicle having in excess of 100,000 miles on it.

Additionally this vehicle year, make and model, is listed as involved in 6 Safety Recall Campaigns per the National Highway Transportation Safety Agency. Safety Recall # 01V014000 defective heated windshield washer bottle 3,400 vehicles involved. # 02V338000 defective battery grounding, 65,000 vehicles involved. #04V227000 defective electrical circuit breakers, 54,454 vehicles involved. # 06V028000 defective interior lighting, 36,911 vehicles involved. #07V263000 defective ABC hydraulic system, 19,924 vehicles involved. #07V263000 defective ABC high pressure hose, 19,924 vehicles involved.

This data is supplied for information purposes only and may not apply to this specific vehicle. However, involvement of a vehicle in a Safety Recall Campaign is a direct indication of manufacturing defects present in the specific vehicle.

It is my opinion that this vehicle was defective and unmerchantable at the time of sale. This is evidenced by, and resulting in the accumulated history reviewed, as well as the ongoing unacceptable conditions observed during the inspection. It is my opinion that the average purchaser, having been fully informed, considering this make and model for purchase; would reject this vehicle as a candidate for purchase based on its history and the ongoing abnormal conditions observed.

All of the abnormal conditions complained of require extensive invasive diagnostic and service repair operations that are beyond the scope of this inspection.

Page 3 of 3

It is my opinion that the value of this vehicle is diminished.

Having inspected this vehicle and reviewed its history, it is my opinion that the value of this vehicle was below *The Original Purchase Price at time of Retail Sale*, by 60 percent. MSRP \$70,800.00. Sale Price \$19,400.00. *Actual Value at time of Retail Sale/Purchase*, due to diminished value appraisal \$7,760.00. The Current good valuation category per Black Book USA \$ 22,133.00 averaged between high and low retail. Current Good valuation NADA \$22,650.00 averaged between high and low retail. Average current valuation between both guides, \$ 22,391.00. Diminished value of vehicle in its current condition, \$8,956.00.

This appraisal allows for a margin of error of 5 percent either way. Therefore, 55 Percent DV of \$19,400.00 equals \$8,730.00. 65 percent DV of \$19,400.00 equals \$6,790.00.

This make and model of vehicle is readily available in the automotive market place, without the serious defects present in this specific vehicle, and can be acquired without defects and meeting the Good condition criteria as defined by all published major valuation guides. This fact has the effect of drastically devaluing this vehicle.

Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this affidavit are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes to be true.



Phillip J. Grismer B.B.A.  
A.S.E. Certified Master Automobile Technician  
Certified Member International Automobile Appraisers Association  
Member # 1003180004.  
CAGA Certified Personal Property Appraiser  
Certified Appraisers Guild of America.  
Sent via E-Mail, USPS, Fed EX, UPS,  
Fax, hand delivery, or any combination of same.



## Vehicle Pricing & Information

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11/1/2007

Autos • Motorcycles • Boats • Collector Cars • Recreation Vehicles • Manufactured Homes

### 4-Door Sedan

2001 Mercedes-Benz S Class Sedan 4D S430

### PRICING

	Clean Trade-In	Clean Retail Value
<b>Base Price</b>		
	\$18,425	\$22,100
<b>Mileage</b>		
87,004 miles	N/A	N/A
<b>Options</b>		
Power Sunroof (Std. AMG, S/CL Class)	\$475	\$550
<b>TOTAL PRICE</b>	<b>\$18,900</b>	<b>\$22,650*</b>

The consumer values on nadaguides.com are based on the Consumer edition of the N.A.D.A. Official Used Car Guide®, and should not be utilized for industry purposes. The consumer values may vary from the N.A.D.A. Official Used Car Guide values presented to you by insurance companies, banks, credit unions, government agencies and car dealers due to vehicle condition, regional market differences and frequency of updates.

#### Clean Trade-In

A Clean Trade-In vehicle will be clean and without glaring defects. Tires and glass should be in good condition. The paint should match and have a good finish. The interior should have wear in relation to the age of the vehicle. Carpet and seat upholstery should be clean and all power options should work. The mileage should be within the acceptable range for the model year. The "Clean Trade-In" value is a national average calculated from the Official Used Car Guide's ten regions. The "Clean Trade-In" value for your vehicle could be higher or lower than the national average due to your local market conditions.

#### Clean Retail Value

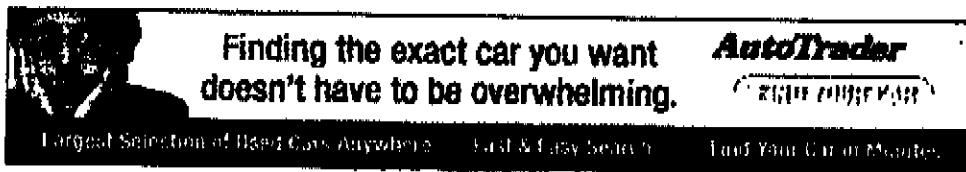
A Clean Retail vehicle will be clean and without glaring defects. Tires and glass should be in good condition. The paint should match and have a good finish. The interior should have wear in relation to the age of the vehicle. Carpet and seat upholstery should be clean, and all power options should work. The mileage should be within the acceptable range for the model year.

A Clean Retail vehicle on a dealer lot may include a limited warranty or guarantee, and possibly a current safety and/or emission inspection (where applicable).

**Notes:** Vehicles with low mileage that are in exceptionally good condition and/or include a manufacturer certification can be worth a significantly higher value than the Clean Retail price shown.

**SUPPORT  
DOCUMENT**

BRAD SLAVSKY EL 11/1/2007



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BoatBlacky 2/2007  
L.M.

11/1/2007

### Contact Information

Company: American Technical Inspections Telephone: 708-267-0029  
Contact: Phillip Grismer  
E-mail: amertek@sbcglobal.net Fax: 800-357-3444

### Notes

Peter Bratslavsky v. Elmhurst Lincoln Mercury

## SUPPORT DOCUMENT

2001 Mercedes-Benz S Class S430 4D Sedan

	Residual	
	Months	Value
VIN: WDBNG70J81A177005	12	\$0
UVC: 2001560091	24	\$0
VIN + UVC: WDBNG70J1091	30	\$0
MSRP: \$70,800	36	\$0
Finance Advance: \$20,475	42	\$0
Model Number: S430V	48	\$0
Price Includes: AT AC CD LTH SR	54	\$0
Adj. State: Illinois	60	\$0
Mileage: 87,004		
Mileage Cat: E		
Tire Size: 225/60R16	Weight: 4,133	Cylinders: 8
Base HP: 275 @ 5760	Fuel Type: Gas	Transmission: A
Taxable HP: 58.9	Wheelbase: 121.5	Drive Train: RWD

### Black Book Wholesale

	Extra Clean	Clean	Average	Rough
Base	\$21,500	\$20,000	\$17,000	\$13,000
Options	\$0	\$0	\$0	\$0
Mileage Adj.	(\$1,450)	(\$725)	\$0	\$0
Total	\$20,050	\$19,275	\$17,000	\$13,000

### Black Book Retail

	Extra Clean	Clean	Average	Rough
Base	\$25,175	\$23,450	\$19,950	\$15,525
Options	\$0	\$0	\$0	\$0
Mileage Adj.	(\$1,450)	(\$725)	\$0	\$0
Total	\$23,725	\$22,725	\$19,950	\$15,525

~~\$15,525  
\$0  
\$0  
\$0~~  
\$22,133  
AVG.

#### Black Book Trade-In

	Clean	Average	Rough
Base	\$20,180	\$17,360	\$12,285
Options	\$0	\$0	\$0
Mileage Adj.	(\$725)	\$0	\$0
Total	\$19,455	\$17,360	\$12,285

#### Black Book Add/Deducts

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BRATLINSKY v. EDMUNDST. CORP.



## OFFICE OF DEFECTS INVESTIGATION (ODI)

### Recalls - Search Results

0 Records Displayed.

Report Date : November 1, 2007 at 17:32 AM

SEARCH TYPE : VEHICLE

Make : MERCEDES BENZ

Model : S CLASS

Make : MERCEDES BENZ

Model : S CLASS

Year : 2001

Manufacturer : MERCEDES-BENZ USA, LLC.

NHTSA CAMPAIGN ID Number : 01V014000

Mr's Report Date : JAN 17, 2001

Component: VISIBILITY:WINDSHIELD WIPER/WASHER

Potential Number Of Units Affected : 3400

**Summary:**

VEHICLE DESCRIPTION: PASSENGER VEHICLES. THE SHEATHING MATERIAL ON THE ELECTRICAL CONNECTION OF THE HEATED WINDSHIELD WASHER BOTTLE HOSE COULD OVERHEAT.

**Consequence:**

THIS COULD CAUSE THE SURROUNDING PLASTIC AND INSULATION TO MELT.

**Remedy:**

DEALERS WILL REPLACE THE HEATED WASHER BOTTLE HOSE ASSEMBLY. OWNER NOTIFICATION BEGAN JANUARY 29, 2001. OWNERS WHO TAKE THEIR VEHICLES TO AN AUTHORIZED DEALER ON AN AGREED UPON SERVICE DATE AND DO NOT RECEIVE THE FREE REMEDY WITHIN A REASONABLE TIME SHOULD CONTACT MERCEDES-BENZ AT 1-800-367-6372.

**Notes:**

ALSO CONTACT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S AUTO SAFETY HOTLINE AT 1-888-DASH-2-DOT (1-888-327-4236).

---

Make : MERCEDES BENZ

Model : S CLASS

Year : 2001

Manufacturer : MERCEDES-BENZ USA, LLC.

NHTSA CAMPAIGN ID Number : 02V338000

Mr's Report Date : DEC 09, 2002

Component: ELECTRICAL SYSTEM:BATTERY

Potential Number Of Units Affected : 85000

**Summary:**

ON CERTAIN PASSENGER VEHICLES, EXCESSIVE STATIC BUILD-UP IN THE TRUNK FLOOR MATS CAN CAUSE A STATIC DISCHARGE WHEN INDIVIDUALS MOVE OR REMOVE ITEMS FROM THE TRUNK COMPARTMENT.

**Consequence:**

THIS CAN DAMAGE THE ELECTRICAL SYSTEM COMPONENTS LOCATED IN THE TRUNK, INCLUDING THE VEHICLE'S BATTERY.

*Braslawsky* v. *Elmyer*

SUPPORT  
DOCUMENT

**Remedy:**

DEALERS WILL INSTALL A STATIC INSULATION PANEL BETWEEN THE CARPET AND THE VEHICLE BATTERY WHICH WILL PROVIDE AN ELECTRICAL GROUNDING. OWNER NOTIFICATION BEGAN FEBRUARY 14, 2003. OWNERS WHO TAKE THEIR VEHICLES TO AN AUTHORIZED DEALER ON AN AGREED UPON SERVICE DATE AND DO NOT RECEIVE THE FREE REMEDY WITHIN A REASONABLE TIME SHOULD CONTACT MERCEDES-BENZ AT 1-800-367-6372.

**Notes:**

MERCEDES-BENZ RECALL NO. 2002110014. CUSTOMERS CAN ALSO CONTACT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S AUTO SAFETY HOTLINE AT 1-888-DASH-2-DOT (1-888-327-4236).

Make : MERCEDES BENZ

Model : S CLASS

Year : 2001

Manufacturer : MERCEDES-BENZ USA, LLC.

NHTSA CAMPAIGN ID Number : 04V227000

MMR's Report Date : MAY 04, 2004

Component: ELECTRICAL SYSTEM:FUSES AND CIRCUIT BREAKERS

Potential Number Of Units Affected : 54454

**Summary:**

ON CERTAIN PASSENGER VEHICLES, DURING THE PRODUCTION PROCESS OF THE BLOWER MOTOR FUSE HOLDER, THE SIZE OF THE ELECTRIC CONDUCTOR OF THE HOLDER MAY BE BELOW APPROPRIATE TOLERANCES.

**Consequence:**

CONSEQUENTLY, THE ELECTRIC CONDUCTOR OF THE BLOWER MOTOR FUSE HOLDER MAY DISSIPATE MORE HEAT THAN THE PLASTIC FUSE HOLDER WAS DESIGNED TO WITHSTAND, WHICH COULD RESULT IN OVERHEATING OF THE HOLDER AND DISABLING OF THE BLOWER MOTOR AND THE ABILITY TO DEFROST OR DEFOG THE WINDSHIELD IN COLD OR HOT AND HUMID WEATHER CONDITIONS. DEPENDING ON THE OCCURRENCE AND WEATHER SITUATION, DRIVER VISIBILITY COULD BE REDUCED, WHICH COULD RESULT IN A CRASH.

**Remedy:**

DEALERS WILL INSTALL NEW BLOWER MOTOR FUSE HOLDERS. THE RECALL BEGAN DURING OCTOBER 2004. OWNERS SHOULD CONTACT MERCEDES-BENZ AT 1-800-367-6372.

**Notes:**

MERCEDES-BENZ RECALL NO. 2004 070010. CUSTOMERS CAN ALSO CONTACT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S AUTO SAFETY HOTLINE AT 1-888-DASH-2-DOT (1-888-327-4236).

Make : MERCEDES BENZ

Model : S CLASS

Year : 2001

Manufacturer : MERCEDES-BENZ USA, LLC.

NHTSA CAMPAIGN ID Number : 06V028000

MMR's Report Date : FEB 01, 2006

Component: INTERIOR LIGHTING

Potential Number Of Units Affected : 36911

**Summary:**

ON CERTAIN VEHICLES, THE INSTRUMENT CLUSTER IS EXPERIENCING ELECTRICAL MALFUNCTIONS. THE INSTRUMENT CLUSTER CONTAINS GAUGES AND INDICATORS THAT MUST BE ILLUMINATED WHENEVER THE VEHICLE IS IN OPERATION.

**Consequence:**

DUE TO INADEQUATE ILLUMINATION, THE DRIVER WILL BE UNABLE TO READ THE GAUGES AND INDICATORS, SUCH AS THE SPEEDOMETER, WHICH COULD INCREASE THE RISK OF A CRASH.

*David J. Maysko* *ELANTAST*  
*ITPM*

**SUPPORT  
DOCUMENT**

**Remedy:**

DEALERS WILL REPLACE THE INSTRUMENT CLUSTER MODULES. THE RECALL WILL BE CONDUCTED IN PHASES. PHASE I WAS MAILED OUT TO APPROXIMATELY 7,800 OWNERS ON SEPTEMBER 29, 2006. PHASE II AND PHASE III IS SCHEDULED FOR DECEMBER 2006. OWNERS MAY CONTACT MERCEDES-BENZ AT 1-800-367-6372.

**Notes:**

CUSTOMERS MAY ALSO CONTACT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S VEHICLE SAFETY HOTLINE AT 1-888-327-4236 (TTY 1-800-424-9153), OR GO TO [HTTP://WWW.SAFERCAR.GOV](http://www.safercar.gov).

**Make :** MERCEDES BENZ

**Model :** S CLASS

**Year :** 2001

**Manufacturer :** MERCEDES-BENZ USA, LLC.

**NHTSA CAMPAIGN ID Number :** 07V263000

**MVR's Report Date :** JUN 07, 2007

**Component:** ENGINE AND ENGINE COOLING

**Potential Number Of Units Affected :** 19924

**Summary:**

ON CERTAIN VEHICLES, CORROSION MAY OCCUR IN THE INNER STEEL PORTIONS OF THE ACTIVE BODY CONTROL'S (ABC) HIGH PRESSURE DISTRIBUTION HOSE DUE TO EXTENSIVE EXPOSURE TO HUMIDITY CAUSING DETERIORATION OF THE HOSE.

**Consequence:**

THIS MAY RESULT IN ABC HYDRAULIC FLUID LEAKAGE NEAR THE CATALYTIC CONVERTER. LEAKING FLUID MAY COME IN CONTACT WITH HOT ENGINE COMPONENTS AND LEAD TO A POSSIBLE FIRE.

**Remedy:**

DEALERS WILL INSTALL NEW CORROSION RESISTANT ABC HIGH PRESSURE DISTRIBUTION HOSE. THE RECALL BEGAN ON JULY 2, 2007. OWNERS MAY CONTACT MERCEDES-BENZ AT 1-800-367-6372.

**Notes:**

MERCEDES-BENZ RECALL NO. 207060002. CUSTOMERS MAY ALSO CONTACT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S VEHICLE SAFETY HOTLINE AT 1-888-327-4236 (TTY 1-800-424-9153), OR GO TO [HTTP://WWW.SAFERCAR.GOV](http://www.safercar.gov).

**Make :** MERCEDES BENZ

**Model :** S CLASS

**Year :** 2001

**Manufacturer :** MERCEDES-BENZ USA, LLC.

**NHTSA CAMPAIGN ID Number :** 07V263000

**MVR's Report Date :** JUN 07, 2007

**Component:** SUSPENSION

**Potential Number Of Units Affected :** 19924

**Summary:**

ON CERTAIN VEHICLES, CORROSION MAY OCCUR IN THE INNER STEEL PORTIONS OF THE ACTIVE BODY CONTROL'S (ABC) HIGH PRESSURE DISTRIBUTION HOSE DUE TO EXTENSIVE EXPOSURE TO HUMIDITY CAUSING DETERIORATION OF THE HOSE.

**Consequence:**

THIS MAY RESULT IN ABC HYDRAULIC FLUID LEAKAGE NEAR THE CATALYTIC CONVERTER. LEAKING FLUID MAY COME IN CONTACT WITH HOT ENGINE COMPONENTS AND LEAD TO A POSSIBLE FIRE.

**Remedy:**

DEALERS WILL INSTALL NEW CORROSION RESISTANT ABC HIGH PRESSURE DISTRIBUTION HOSE. THE RECALL BEGAN ON JULY 2, 2007. OWNERS MAY CONTACT MERCEDES-BENZ AT 1-800-367-6372.

*Pratim Senroy* *Elmhurst*  
*10/1*

**SUPPLIERS**  
**DOCUMENT**

Notes:

MERCEDES-BENZ RECALL NO. 207060002. CUSTOMERS MAY ALSO CONTACT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S VEHICLE SAFETY HOTLINE AT 1-888-327-4236 (TTY 1-800-424-0153), OR GO TO HTTP://WWW.SAFERCAR.GOV.

SUPPORT  
DOCUMENT

Bogdanov Elmanov

## **EXHIBIT “E”**

L. Jessie White, Secretary of State of the State of Illinois, do hereby certify that according to the records on file with my Office, the person or entity named herein is the owner of the vehicle described herein, which is subject to the above named liens and encumbrances. Forty.  
IN WITNESS WHEREOF, I HAVE APPENDED MY SIGNATURE AND  
THE GREAT SEAL OF THE STATE OF ILLINOIS, AT SPRINGFIELD.

I, Jessie White, Secretary of State of the State of Illinois, do hereby certify that according to the records on file with my Office, the person or entity named herein is the owner of the vehicle described herein, which is subject to the above named terms and circumstances. Forty-EIGHT WITNESSED WHEREUPON, I HAVE APPENDED MY SIGNATURE AND  
THE GREAT SEAL OF THE STATE OF ILLINOIS, AT SPRINGFIELD,

DATE OF SALE 15/03/02

Tim Tarnasewski

036733142

✓ CONTROL NO.

Greene White

DO NOT ACCEPT TITLE SURVEYS, ANY CHANGES, ALTERATIONS OR MULATIONS.

X5181850002

Federal and State law requires that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and imprisonment.

The undersigned hereby certifies that the vehicle described in this title is the first title of 40 Days, except as noted, and has been transferred to the following stated name and address.

FIRST REASSIGNMENT DEALER ONLY	Name of Purchaser	Street	City	State	Zip	
	► <input checked="" type="checkbox"/> NO DEALER READING	I certify to the best of my knowledge that the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked:				
	<input type="checkbox"/> 1. The mileage stated is in excess of its manufacturer's limit. <input type="checkbox"/> 2. The odometer reading is not the actual mileage. WARNING - ODOMETER DISCREPANCY.					
	Agent's Signature	Dealer's Name				Dealer Signature
	I am aware of the above odometer certification made by the salesperson.					Printed Name (name as signature)
	Signature of Salesperson		Printed Name (name as signature)			

The undersigned hereby certifies that the vehicle described in this title is the second title of 40 Days, except as noted, and has been transferred to the following stated name and address.

SECOND REASSIGNMENT DEALER ONLY	Name of Purchaser	Street	City	State	Zip	
	► <input checked="" type="checkbox"/> NO DEALER READING	I certify to the best of my knowledge that the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked:				
	<input type="checkbox"/> 1. The mileage stated is in excess of its manufacturer's limit. <input type="checkbox"/> 2. The odometer reading is not the actual mileage. WARNING - ODOMETER DISCREPANCY.					
	Agent's Signature	Dealer's Name				Dealer Signature
	I am aware of the above odometer certification made by the salesperson.					Printed Name (name as signature)
	Signature of Salesperson		Printed Name (name as signature)			

The undersigned hereby certifies that the vehicle described in this title is the third title of 40 Days, except as noted, and has been transferred to the following stated name and address.

THIRD REASSIGNMENT DEALER ONLY	Name of Purchaser	Street	City	State	Zip	
	► <input checked="" type="checkbox"/> NO DEALER READING	I certify to the best of my knowledge that the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked:				
	<input type="checkbox"/> 1. The mileage stated is in excess of its manufacturer's limit. <input type="checkbox"/> 2. The odometer reading is not the actual mileage. WARNING - ODOMETER DISCREPANCY.					
	Agent's Signature	Dealer's Name				Dealer Signature
	I am aware of the above odometer certification made by the salesperson.					Printed Name (name as signature)
	Signature of Salesperson		Printed Name (name as signature)			

The undersigned hereby certifies that the vehicle described in this title is the fourth title of 40 Days, except as noted, and has been transferred to the following stated name and address.

FOURTH REASSIGNMENT DEALER ONLY	Name of Purchaser	Street	City	State	Zip	
	► <input checked="" type="checkbox"/> NO DEALER READING	I certify to the best of my knowledge that the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked:				
	<input type="checkbox"/> 1. The mileage stated is in excess of its manufacturer's limit. <input type="checkbox"/> 2. The odometer reading is not the actual mileage. WARNING - ODOMETER DISCREPANCY.					
	Agent's Signature	Dealer's Name				Dealer Signature
	I am aware of the above odometer certification made by the salesperson.					Printed Name (name as signature)
	Signature of Salesperson		Printed Name (name as signature)			

The undersigned hereby certifies that the vehicle described in this title is the last title of 40 Days, except as noted, and has been transferred to the following stated name and address.

LAST REASSIGNMENT DEALER ONLY	Name of Purchaser	Street	City	State	Zip	
	► <input checked="" type="checkbox"/> NO DEALER READING	I certify to the best of my knowledge that the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked:				
	<input type="checkbox"/> 1. The mileage stated is in excess of its manufacturer's limit. <input type="checkbox"/> 2. The odometer reading is not the actual mileage. WARNING - ODOMETER DISCREPANCY.					
	Agent's Signature	Dealer's Name				Dealer Signature
	I am aware of the above odometer certification made by the salesperson.					Printed Name (name as signature)
	Signature of Salesperson		Printed Name (name as signature)			

X516051850002  
X5181850002

LICENSED INFORMATION IS CONTAINED ON THIS APPLICATION  
DO NOT ACCEPT TITLE SHOWING ANY FRAUDULENT, ALTERATIONS OR MUTILATIONS

100-00-01

1. CHECK SW OWNER INFORMATION	1. TITLE & PLATES (1) <input type="checkbox"/> TITLE & PLATES ONLY (2) <input type="checkbox"/> PLATES ONLY			2. OWNER'S & PLATE NO. (3) <input type="checkbox"/> STICKER ONLY (4) <input type="checkbox"/> TITLE & TRANSFER OF PLATES (5) (5) <input type="checkbox"/> TRANSFER OF PLATES ONLY (6) <input type="checkbox"/> CONNECTED IDENTIFICATION CARD ONLY (7) <input type="checkbox"/> DUPLICATE IDENTIFICATION CARD ONLY			3. PLATE TYPE REQUESTED <b>P465</b>		4. EXPIRATION MONTH <b>04</b>		5. OFFICE UNIT ONLY <b>0406</b>	
							6. OWNER'S IL DRIVER'S LICENSE NO. <b>K1Z0-4814-6177</b>		7. DATE OF BIRTH <b>4/22/46</b>		8. OWNER(S) NAME <b>JOSEPH A KOPEC</b>	
2. VEHICLE INFORMATION	9. DO-OWNER'S IL DRIVER'S LICENSE NO. / / /			10. DATE OF BIRTH / / /			11. OWNER(S) NAME <b>1140 LAUREL LANE</b>		12. RESIDENCE/BUSINESS ADDRESS <b>BURR RIDGE IL 60527</b>			
3. TRANSFER - REHOMEST	13. CURRENT ODOMETER READING <b>126,200</b>			14. ODOMETER READING STATED IN STATE OF TITLE <b>WD8N610J81A111005</b>			15. DATE OF VEHICLE <b>4/2001</b>		16. VEHICLE COLOR <b>Mercedes-Benz S430 4000E</b>		17. VEHICLE IDENTIFICATION NUMBER <b>0052216910</b>	
	18. ACTUAL MILEAGE <input type="checkbox"/> ACTUAL <input type="checkbox"/> NOT ACTUAL <input type="checkbox"/> IN EXCESS OF MILEAGE <input type="checkbox"/> MILEAGE <input type="checkbox"/> MECHANICAL LIMITS											
4. SIGN HERE	19. GVWR OVER 16,000 LBS. <input type="checkbox"/> YES <b>04/24/05</b> <input type="checkbox"/> NO			20. PURCHASE DATE <b>MAY</b>			21. VEHICLE <input type="checkbox"/> FLOOD <input type="checkbox"/> REBUILT		22. MOTORCYCLE <b>NO. C.C.</b>		23. VEHICLE COLOR <b>Black</b>	
5. SIGN HERE	24. FOR RV, RT, TWIN TITLE & REHOMEST			25. NO. AXLES			26. GROSS WEIGHT		27. TYPE OF VEHICLE		28. VEHICLE OPERATED <input type="checkbox"/> INTRA STATE <input type="checkbox"/> INTER STATE <input type="checkbox"/> FOR HIRE <input type="checkbox"/> YES <input type="checkbox"/> NO	
6. SIGN HERE	29. TITLE MAILING INSTRUCTIONS (IF DIFFERENT FROM ABOVE AND NO REHOMEST)			30. PLATE/STICKER MAILING INSTRUCTIONS (IF DIFFERENT FROM ABOVE)								
	NAME / / /			NAME / / /								
7. SIGN HERE	31. ADDRESS CITY STATE ZIP			32. ADDRESS CITY STATE ZIP								
8. SIGN HERE	33. FIRST LIENHOLDER NAME AND ADDRESS NAME / / /			34. SECOND LIENHOLDER NAME AND ADDRESS NAME / / /								
9. SIGN HERE	35. PREVIOUS VEHICLE INFORMATION / / /			36. VEHICLE IDENTIFICATION NUMBER <b>5827NKL01AL CHICAGO, IL 606046</b>			37. YEAR <b>2000</b>		38. MAKE OF VEHICLE <b>BMW</b>		39. DEALER NUMBER <b>5827NKL01AL CHICAGO, IL 606046</b>	
10. SIGN HERE	40. PREVIOUS VEHICLE NAME <b>5827NKL01AL CHICAGO, IL 606046</b>			41. IF PURCHASED FROM DEALER, DEALER MUST SIGN AND GIVE DEALER NUMBER <b>5827NKL01AL CHICAGO, IL 606046</b>			42. DATE OF DISPOSITION <b>/ / /</b>		43. OFFICE USE ONLY			
We hereby affirm the information provided is true and correct and, when applicable, will abide by the Mandatory Insurance Law requiring liability insurance throughout the registration period. If applying for title for a motor vehicle nine (9) years old or newer, we also acknowledge awareness of the odometer certification made by the seller.												
<b>Joseph Kopec</b>												
36. (OPTIONAL) DAYTIME TELEPHONE NUMBER <b>847-325-1234</b>												
44. SIGN HERE <b>X</b>												
YOUR SIGNATURE ON THE APPLICATION AUTHORIZES THE STATEMENT OF STATE TO LOWER THE AMOUNT OF YOUR CHECK IF THE SUBTOTAL IS GREATER THAN THE REQUIRED FEE FOR MAIL-IN TRANSACTIONS.												
<b>X5133504013</b>												
45. T.R.P. NUMBER <b>793</b>												
46. AUDITOR'S USE ONLY <b>1st, 2nd, 3rd, 4th</b>												
47. TAX TN. NUMBER <b>MV24864347</b>												
48. REMITTER AGENCY/DRIVERS FACILITY STAMP NAME HERE ONLY <b>13 CM</b>												
PRINT NAME/STAMP 104 54-888 VRS 100-21												

Federal and State law requires that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

The undersigned hereby certifies that the vehicle described in this title is free and clear of all liens, except as noted, and has been transferred to the following printed name and address.

FIRST REASSIGNMENT DEALER ONLY	Name of Purchaser  ► <input type="checkbox"/> NO ODOOMETER READERS	Street  ► <input type="checkbox"/> ODOMETER READERS	City  ► <input type="checkbox"/> ODOMETER READERS	State  ► <input type="checkbox"/> ODOMETER READERS	Zip  ► <input type="checkbox"/> ODOMETER READERS
	I certify to the best of my knowledge that the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked:				
<input type="checkbox"/> 1. The mileage stated is in excess of its mechanical limits. <input type="checkbox"/> 2. The odometer reading is not the actual mileage. WARNING - ODOMETER DISCREPANCY.					
Date of Sale  ► <input type="checkbox"/> ODOMETER READERS		Dealer's Name  ► <input type="checkbox"/> ODOMETER READERS		Dealer  ► <input type="checkbox"/> ODOMETER READERS	

SECOND REASSIGNMENT DEALER ONLY	Agent's Signature I am aware of the above odometer certification made by the seller/agent.					
	Printed Name (name as signature)					

THIRD REASSIGNMENT DEALER ONLY	Name of Purchaser  ► <input type="checkbox"/> NO ODOOMETER READERS	Street  ► <input type="checkbox"/> ODOMETER READERS	City  ► <input type="checkbox"/> ODOMETER READERS	State  ► <input type="checkbox"/> ODOMETER READERS	Zip  ► <input type="checkbox"/> ODOMETER READERS
	I certify to the best of my knowledge that the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked:				
<input type="checkbox"/> 1. The mileage stated is in excess of its mechanical limits. <input type="checkbox"/> 2. The odometer reading is not the actual mileage. WARNING - ODOMETER DISCREPANCY.					
Date of Sale  ► <input type="checkbox"/> ODOMETER READERS		Dealer's Name  ► <input type="checkbox"/> ODOMETER READERS		Dealer  ► <input type="checkbox"/> ODOMETER READERS	

FOURTH REASSIGNMENT DEALER ONLY	Agent's Signature I am aware of the above odometer certification made by the seller/agent.					
	Printed Name (name as signature)					

FIFTH REASSIGNMENT DEALER ONLY	Signature of Buyer/Agent I am aware of the above odometer certification made by the seller/agent.					
	Printed Name (name as signature)					

SIXTH REASSIGNMENT DEALER ONLY	Signature of Buyer/Agent I am aware of the above odometer certification made by the seller/agent.					
	Printed Name (name as signature)					

SEVENTH REASSIGNMENT DEALER ONLY	Signature of Buyer/Agent I am aware of the above odometer certification made by the seller/agent.					
	Printed Name (name as signature)					

EIGHTH REASSIGNMENT DEALER ONLY	Signature of Buyer/Agent I am aware of the above odometer certification made by the seller/agent.					
	Printed Name (name as signature)					

NINTH REASSIGNMENT DEALER ONLY	Signature of Buyer/Agent I am aware of the above odometer certification made by the seller/agent.					
	Printed Name (name as signature)					

TENTH REASSIGNMENT DEALER ONLY	Signature of Buyer/Agent I am aware of the above odometer certification made by the seller/agent.					
	Printed Name (name as signature)					

ELEVENTH REASSIGNMENT DEALER ONLY	Signature of Buyer/Agent I am aware of the above odometer certification made by the seller/agent.					
	Printed Name (name as signature)					

X5133504013 Vehicle Identification Number					
LENTHOLDERS INFORMATION IS REQUIRED ON THE APPLICATION					
DO NOT ACCEPT TITLE SHOWING ANY FRAUDULENT, ALTERATIONS OR OUTLINES					
VBD 40-10					